GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PSs – Revenue (Endowments) Department – Disciplinary action against Sri G.C.Yogeswara Reddy, formerly Executive Officer (Retired) Sri Veeranjaneya Swamy Temple, Gandi (V), Chakrayapet (M), Kadapa District – Imposed punishment of 10% cut in pension permanently besides recovery of Rs.70,000/- - Implemented the orders of the Hon'ble High Court in W.P.No.7818/2013 filed by Government on the orders of the Hon'ble Tribunal in O.A.No.3454/2010 – Orders – Issued.

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REVENUE (VIGILANCE-IV) DEPARTMENT

G.O.RT.No. 1021 **Dated: 10-10-2019**
Read the following:-

1. From CED, A.P., Hyd., Lr.No.E3/46686/2000, dt.01.05.2008.
2. Govt.Memo.No.23760/Vig.IV(1)/2008, Dt.24.06.2008.
3. From Sri G.C.Yogeswara Reddy, ACED (Retired), Explanation dt.6.8.2008.
4. From the CED., Hyd., Lr.No.E3/46686/2000, dt.13.11.2008.
5. Govt. Lr.No.23760/Vig.IV(1)/2008-4, Dt.15.09.2009.
6. From the Secretary, A.P.Public Service Commission, Hyderabad Lr.No.1248/Rt-I/2009, dt.08.12.2009.
7. G.O.Rt.No.105 Revenue (Vig.IV) Department, dated 28.01.2010.
8. Hon'ble APAT Orders dt.15.10.2012 in W.P. No.3454 of 2010.
9. Hon'ble High Court Orders dt.18.03.2019 in W.P.No.7818 of 2013 filed by the Department.
10. From Sri G.C.Yogeswara Reddy, EO, Gr-I (Retired), ED., representation dated 19.04.2019 & 14.06.2019 along with its enclosures.
11. From Sri K.Ravi, Advocate letter dated 05.08.2019.

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ORDER:

Whereas, it was brought to the notice of the Government that, the Commissioner, Endowments Department has framed 4 charges against Sri G.C.Yogeswar Reddy, formerly Executive Officer, Sri Veeranjaneya Swamy Temple, Gandi (V), Chakrayapet (M), Kadapa district, as he committed certain irregularities in administration of the subject temple; the Assistant Commissioner, Endowments Department, Ananthapur was appointed as Enquiry Officer and enquired into the charges framed against the Charged Officer and submitted Enquiry Report. As per Enquiry Report, out of (4) charges, charge Nos.,1, 2 and 3 were held proved. The enquiry report was communicated to the delinquent officer for his further representation. But, the Charged Officer has not submitted his further representation. Further, since the delinquent officer retired from service on 28.02.2005 on attaining the age of superannuation, the Commissioner, Endowments Department referred the case to Government under provisions of Rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

2. Further, the Government issued a show cause notice to the Charged Officer Sri G.C.Yogeswar Reddy, formerly Executive Officer (Retired) to explain why 10% cut in pension permanently, besides recovery of Rs.70,000/- should not be imposed for the irregularities committed by him. Further, Government after examined the explanation of Accused Officer and found that the explanation was not convincing, decided to impose the punishment on the Accused Officer. Further, after consulting Andhra Pradesh Public Service Commission, the Government imposed a punishment of 10% cut in pension, permanently, besides recovery of Rs.70,000/- against Sri G.C.Yogeswara Reddy, formerly Executive Officer (Retired) vide G.O.7th read above.

3. Aggrieved by the above orders, Sri G.Chinna Yogeswara Reddy, Executive Officer Gr-I (Retired) filed O.A.No.3454/2013 in the Hon'ble Andhra Pradesh Administrative Tribunal. The Hon'ble Tribunal in its orders dated 15.10.2012, allowed the OA by setting aside the above punishment orders. On the orders of Hon'ble

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Tribunal, the department filed WP No.7818/2013 in the Hon'ble High Court at Hyderabad and obtained interim stay orders. Finally, the WP.No.7818/2013 was dismissed by the Hon'ble HC on 18.03.2019. The Hon'ble High Court in its order has made the following:

> "This writ petition, under Article 226 of the Constitution of India, is filed seeking the following relief:
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> > " …to issue a Writ order or direction more particularly one in the nature of "Writ Certiorari" calling for the records relating to the orders of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad passed in O.A.No.3454/2010 dated 15.10.2012 as being erroneious, illegal and unreasonable and quash the same and pass such other order or orders…"
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> Learned counsel for the for the respondent submits that the issue involved in the present writ petition is squarely covered by the orders of a Division Bench of the High Court of Judicature for the State of Telangana and the State of Andhra Pradesh at Hyderabad, passed in W.P.No.31555 of 2012, dated 12.09.2018. A copy of the said order is placed on record.
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> The said submission is endorsed by the learned Government Pleader appearing for the petitioners.
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> Having regard to the facts and submissions and for the reasons alike that were stated in the aforesaid order, the present writ petition is dismissed being devoid of merit. The interim order shall stand vacated.
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> Registry is directed to enclose a copy of the said order dated 12.09.2018, in W.P.No.31555 of 2012 to this order. There shall be no order as to costs.
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> Pending Miscellaneous petitions, if any, shall also stand dismissed."

4. And whereas, in the enclosed copy of the said order dated 12.09.2018, in W.P.No.31555 of 2012, the Hon'ble High Court has made the following order :

> " The Commissioner, Endowments Department, State of Telangana, is the petitioner. He is aggrieved by the order dated 19.03.2012 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (hereinafter*, 'the Tribunal'),* in O.A.No.3264 of 2010. The said O.A. was filed by the respondent herein assailing the order dated 07.05.2010 passed by the Commissioner imposing upon him the punishment of dismissal from service apart from effecting recoveries. By the order under challenge, the Tribunal held that the issue was squarely covered against the authorities by the Full Bench judgment dated 19.03.2008 of this Court in W.A.No.1789 of 2004 and batch and accordingly set aside the punishment order dated 07.05.2010.
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> By order dated 09.10.2012, this Court granted interim suspension of the order under challenge. W.V.M.P.No.750 of 2015 was filed by the respondent to vacate the said order.
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> The only ground raised by the Commissioner in the affidavit filed in support of the writ petition is that the punishment order was passed by him exercise of power under Rule 6 of the Andhra Pradesh Executive Officers' Disciplinary (Control & Appeal) Rules, 1977. He would further point out that Schedule-II to the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 (for brevity, 'the Rules of 1991') includes these service rules at Serial No.50 and therefore, the enquiry officer was directed to follow the procedure laid down in the Rules of 1991.

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However, we find that this aspect of the matter was also considered by the Full Bench. The common order dated 19.03.2008 passed by the Full Bench demonstrates that this issue was taken note of in internal page 35 thereof, wherein it was observed as under:

> ' By reason of Rule 7 read with Schedule II of Classification, Control & Appeal Rules, endowment subordinate service is treated as subordinate service for the purpose of Classification, Control & Appeal Rules. If such inclusion in subordinate service makes Classification, Control & Appeal Rules. If such inclusion in subordinate service makes Classification, Control & Appeal Rules applicable, things would have been different but that is not the case. As mentioned supra, EOs Disciplinary Rules made under 1966 Act govern disciplinary proceedings against EOs. Therefore, in view of Rule 3(1)(c) of Classification, Control & Appeal Rules, EOs for whom special rules made are not governed by Classification, Control & Appeal Rules nor Rule 8 thereof confers power on the Commissioner to suspend Executive Officer.
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> …….. Andhra Pradesh Civil Services (Classification, Conduct and Appeal) Rules, 1991 have no application to EOs appointed under Section 29(2) of the Act. As a corollary, these Rules are not applicable to office holders and servants of temple who are authorized to discharge functions of EOs'

It is not open to the authorities to seek to reopen the issues already settled by the Full Bench in the afore stated adjudication.

The writ petition is therefore devoid of merit and is accordingly dismissed. Interim order dated 09.10.2012 shall stand vacated. Pending miscellaneous petitions shall also stand dismissed. No order as to costs."

5. Whereas in the reference 10th read above, Sri G.C.Yogeswara Reddy, formerly Executive Officer, Grader-I (Retired), Sri Veeranjaneya Swamy Temple, Gandi (V), Chakrayapet (M), Kadapa district has requested the Government to release 10% pension which was stopped as a measure of punishment and repay Rs.70,000/- which was recovered from him vide GO 7th read above, by implementing the orders of Hon'ble Andhra Pradesh Administrative Tribunal and Hon'ble High Court at an early date.

6. Government, after examination of the matter in detail, hereby decided and order to implement the orders of Andhra Pradesh Administrative Tribunal in O.A.No.3454 of 2010 dt.15-10-2012 which was confirmed by the Hon'ble High Court of Andhra Pradesh on 18.03.2019 in W.P.No.7818/2013 filed by the Department, by releasing 10% pension & Rs.70,000/- to Sri G.C.Yogeswara Reddy, formerly Executive Officer, Grader-I (Retired), which was stopped & recovered as a measure of punishment.

7. The Commissioner, Endowments Department shall take necessary action accordingly.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS & ENDTS)

To
The Individual through the Commissioner, Endowments Department, Andhra Pradesh, Vijayawada.
The Commissioner, Endowments Department, Andhra Pradesh, Vijayawada.
Copy to:
The Government Pleader for Services-II, A.P.High Court, Andhra Pradesh, Amaravathi.
The Government Pleader for Revenue, Andhra Pradesh Administrative Tribunal, Hyderabad.
Sc/Sf.

//FORWARDED BY ORDER//

SECTION OFFICER